



GOVERNOR'S OFFICE OF  
BUDGET AND PROGRAM PLANNING

## Fiscal Note 2009 Biennium

<b>Bill #</b>	HB0754	<b>Title:</b>	Generally revise MEPA
<b>Primary Sponsor:</b>	Barrett, Debby	<b>Status:</b>	As Introduced

- |   |  |  |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact     | <input type="checkbox"/> Needs to be included in HB 2  | <input type="checkbox"/> Technical Concerns              |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

### **FISCAL SUMMARY**

	<u>FY 2008 Difference</u>	<u>FY 2009 Difference</u>	<u>FY 2010 Difference</u>	<u>FY 2011 Difference</u>
<b>Expenditures:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Revenue:</b>				
General Fund	\$0	\$0	\$0	\$0
<b>Net Impact-General Fund Balance</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

### **FISCAL ANALYSIS**

#### **Assumptions:**

There is no fiscal impact to the state.

#### **Technical Notes:**

1. Section 3 provides that a "project sponsor" is an entity, including a state agency, that is proposing an action that requires an environmental review. Since HB 754 retains the requirement for state agencies to prepare an environmental review in certain instances when they are not applying for permits or other authorizations (e.g., DNRC for sales, exchanges, and easements), the term "project sponsor" includes state agencies that have not applied for permits or authorization. Because the definition does not exclude regulatory agencies acting in their regulatory capacities, it is possible to argue that HB 754 requires that a regulatory agency proposing to grant a permit application must prepare an environmental review. While it is not probable that this argument would succeed, the argument could be avoided altogether by amending the definition of "project sponsor" to expressly state that a regulatory agency acting in its regulatory capacity is not a project sponsor.
2. The language added to 75-2-211(10), MCA, should also include noncompliance with "rules adopted pursuant to this chapter" as a grounds for requesting a hearing.

*Sponsor's Initials*

*Date*

*Budget Director's Initials*

*Date*